United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27126–27150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 15, 1937]

27126. Adulteration and misbranding of ephedrine hydrochloride capsules, potassium iodide tablets, sodium bromide tablets, and calomel tablets. U. S. v. American Pharmaceutical Co., Inc. Plea of guilty. Fine, $400 of which $200 was suspended. (F. & D. no. 30308. I. S. no. 48809. Sample nos. 21228–A, 21249–A, 21253–A.)

The above-named capsules and tablets contained the designated drugs in excess of the amount declared on the labels.

On April 5, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Pharmaceutical Co., Inc., New York, N. Y. On April 22, 1934, a second information was filed naming as additional defendants the officers of the corporation. The information alleged, among other allegations, that the defendants had shipped in interstate commerce on or about January 14, and October 4, 12, and 18, 1932, from the State of New York into the State of New Jersey a quantity of ephedrine hydrochloride capsules and quantities of potassium iodide tablets, sodium bromide tablets, and calomel tablets, all of which were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled variously: "Capsules Ephedrine Hydrochloride A. P. C. ¾ Grain [or "Tablets 5 Grain Pot. Iodide", "C. T. 10 grs. Sodium Bromide", or "C. T. Calomel A. P. C. ¼ Grn."] American Pharmaceutical Co., Inc., New York, N. Y."

The articles were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: Each capsule of ephedrine hydrochloride was represented to contain ¾ grain of the drug, whereas each capsule contained more than ¾ grain, namely, not less than 0.852 grain of ephedrine hydrochloride; each potassium iodide tablet was represented to contain 5 grains of the drug, whereas each tablet contained more than 5 grains, namely, not less than 5.507 grains of potassium iodide; each tablet of sodium bromide was represented to contain 10 grains of the drug, whereas each tablet contained more than 10 grains, namely, not less than 11.357 grains of sodium bromide; each tablet of calomel was represented to contain ¼ grain of the drug, whereas each tablet contained more than ¼ grain, namely, not less than 0.2757 grain of calomel.

The articles were alleged to be misbranded in that the statements "Capsules Ephedrine Hydrochloride * * * ¾ Grain", "Tablets 5 Grain Pot. Iodide", "10 grs. C. T. Sodium Bromide", and "C. T. Calomel * * * ¼ Grn.", borne on their respective labels, were false and misleading in that they represented that said capsules and tablets contained the amount of the drug declared on the label; whereas the said capsules and tablets contained more than so declared.

The information contained 27 other counts charging interstate shipment by the defendants, of various drugs that were alleged to be adulterated and/or misbranded in violation of the Food and Drugs Act.

On March 2, 1936, the American Pharmaceutical Co. entered a plea of guilty to the eight counts charging adulteration and misbranding of the above ephedrine hydrochloride capsules, potassium iodide tablets, sodium bromide tablets, and calomel tablets; and the court imposed a fine of $50 on each of the eight counts and suspended payment of the fines on the four counts charg-

ing misbranding of the products, the total fine paid being $200. The information was dismissed as to the corporation officers on the counts on which the corporation entered its plea of guilty. The information is pending as to all defendants, both corporate and individual, as to all other counts.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27127. Misbranding of Kelement. U. S. v. Lee Kelpodine Co., Inc., and John Lee Clarke. Pleas of guilty. Fine, $50. Payment of sentence suspended. (F. & D. no. 34065. Sample no. 16517–B.)

The labeling of this product contained false and fraudulent curative and therapeutic claims.

On October 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lee Kelpodine Co., Inc., New York, N. Y., and John Lee Clarke, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 28, 1934, from the State of New York into the State of New Jersey of quantities of Kelement tablets that were misbranded. The article was labeled in part: (Package) "Kelement Pure Dehydrated Kelp (Macrocystis Pyrifera) Formerly known as 'Kelpodine' A Highly Concentrated Natural Marine Food Accessory, Rich In Organic Mineral Elements Essential to Normal Function Of The Human Body Each Tablet Contains Not Less than 0.5 Milligrams of Natural Organic Food Iodine. Guaranteed and Distributed by Lee Kelpodine Co., Inc., 11 W. 42nd Street, New York City."

Analysis showed that the tablets consisted of kelp, probably *Macrocystis pyrifera.*

The article was alleged to be misbranded in that certain statements, designs, and devices appearing on the package and in the circular contained therein, were statements, designs, and devices regarding the curative or therapeutic effects of the article, and were false and fraudulent in that they represented that the article was composed of or contained ingredients or medicinal agents which when used as a food accessory in the manner directed, would prevent the user thereof from contracting and would be beneficial in the treatment, among others, of the following symptoms, ailments, conditions and diseases of the human body: Ailments that come from a deficiency of mineral salts, soft and decayed teeth, pyorrhea, bleeding gums, anemia, goiter, chronic constipation, nervousness, insomnia, inability to resist disease, malnutrition, acidosis (diminished alkaline reserve), headaches and indigestion, diabetes, alveolar recession, loose flabby gums, loose teeth, arthritis, infections, serious glandular conditions, frigidity, sterility, and frequent miscarriage.

On November 2, 1936, pleas of guilty were entered and the court imposed a fine of $50 against each defendant and suspended payment thereof.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27128. Misbranding of Seavigor. U. S. v. John Lee Clarke (Seavigor Co.). Plea of guilty. Fine, $100. Payment of sentence suspended. (F. & D. no. 35948. Sample nos. 16503–B, 16506–B.)

The labeling of this product contained false and misleading representations regarding its food value and false and fraudulent curative and therapeutic claims.

On October 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Lee Clarke, trading as the Seavigor Co. New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 7 and August 8, 1934, from the State of New York into the State of New Jersey of quantities of Seavigor tablets that were misbranded. The article was labeled in part: (Package) "Seavigor Pure Gland Energy From the Sea. A Concentrated Vegetable Food. Not a Patent Medicine. Rich in the Identical Gland Vitalizing Element Found in Raw Oysters. * * * Seavigor Company, New York."

Analysis of a sample of the article by this Department showed that it consisted of kelp, probably *Macrocystis pyrifera.*

It was alleged to be misbranded in that the statement "A Concentrated Vegetable Food", borne on the package label, was false and misleading since